

# **COPYRIGHT LAW**

Volume III

Course Materials Fall 1997

Professor Rosemary Coombe Faculty of Law University of Toronto

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#### Volume III

# A. History and Policy Considerations, continued

A Calvinist Theory of Authorship?

# H. Exemptions

# I. Statutory Exemptions

# (i) Fair Dealing

Hubbard v. Vosper [1972] 1 All E.R. 1023 (C.A.)

Zamacois v. Douville (1943), 3 Fox Pat. C. 44 (Ex. Ct.)

Beloff v. Pressdram Ltd [1973] 1 All E.R. 241

The Queen v. James Lorimer & Co. Ltd. (1984) 77 C.P.R. (2d) 262 (F.C.A.)

"CBC in Hot Water for Using Lightfoot Song," Toronto Star, 13 July 1994

Martin, "Fair Dealing - Another Approach" (Canadian Copyright Institute)

Allen v. Toronto Star Newspapers Ltd. (1995), 63 C.P.R. (3d) 517 (Ont. Gen. Div.)

Sinclair, "Fair is not Always Fair: Media Monitors and Copyright" [1997] 4 E.I.P.R. 188

### (ii) Recent Changes

Canadian Association of University Teachers, "Briefing Notes on Copyright Legislation: Phase II" (1991)

Vaver, "Seeing Through C-32" (excerpt)

#### (iii) Fair Use

Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984)

Dorsen, "Satiric Appropriation and the Law of Libel, Trademark, and Copyright: Remedies Without Wrongs" (1985) 65 Boston Univ. L. Rev. 923

Campbell v. Acuff-Rose, 1994 U.S. LEXIS 2052

"U.S. Supreme Court Gives Parody Broader Protection," Globe and Mail, 8 March 1994

American Geophysical Union v. Texaco Inc., 60 F.3d 913 (2nd Cir. 1994)

Princeton University Press v. Michigan Document, 99 F.3d 1381 (6th Cir. 1996)

# II. Judicially Created Exemptions: A Public Interest Defence?

Beloff v. Pressdram Ltd [1973] 1 All E.R. 241

Lion Laboratories Ltd. v. Evans, [1985] Q.B. 526 (C.A.)

The Queen v. James Lorimer & Co. Ltd. (1984) 77 C.P.R. (2d) 262 (F.C.A.)

#### I. Remedies

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Example of an Anton Piller Order

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2426-7536 Québec Inc. v. Provigo Dist. Inc. (1992) 50 C.P.R. (3d) 539

Upjohn et al. v. Apotex Inc. (1993) 51 C.P.R. (3d) 292

"It's a Wonderful Copyright," Globe and Mail, 1 July 1993

Editions JCL Inc.v. 91439 Canada Ltée (1994), 58 C.P.R. (3d) 38 (F.C.A.)

Nature Co.v. Sci-Tech Educational Inc. (1992), 41 C.P.R. (3d) 359 (F.C.A.)

Turbo Resources Ltd. v. Petro Canada Inc. (1989), 24 C.P.R. (3d) 1 (F.C.A.)

## J. Offences

Statutory Provisions

R. v. Ghnaim et al. (1988), 23 C.I.P.R. 102

"Two Firms Charged with Pirating Copyright," Globe and Mail, 28 May 1993

"2 Charged over Copies of Bateman Artworks," Toronto Star, 23 October 1992

## K. Moral Rights

Statutory Provisions

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- "Black and White and Red All Over" (1987)
- "Colorization of Films Insults Artists and Society" (1987)
- "Casablanca in Color? I'm Shocked, Shocked!" (1987)
- "Artists Don't Deserve Special Rights" (1988)
- "Adam's Song Featured in Duke's Campaign" (1991)

